

REMARKS

Applicant has been unable to reach Examiner or Examiner's Supervisor since receiving the 9/26/05 communication, and therefore respectfully files this response in order to preserve any and all rights of Applicant. Examiner's 9/26/05 communication that Applicant's 2/2/05 amendment was non-responsive references that because "the period for reply set for reply in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a)." The Examiner further states "The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee." As communicated in voice mail messages to Examiner and Examiner's Supervisor on Friday, 9/30/05, Applicant remains unsure of the date Examiner intends for purposes of calculating reply and/or extension.

The presently pending "non-responsive" objections to Applicant's 2/2/05 were not included in Examiner's 5/4/05 communication regarding "non-responsive" objections to same. That is, Examiner's 5/4/05 communication is a second, unrelated "non-responsive" objection to the original 2/2/05 response filed by Applicant. As such, and because the subject office action was not final, Applicant respectfully believes that "Applicant is given one month...from the mail date of the [9/26/05] notice to supply the correction section of

the non-compliant amendment in compliance with 37 CFR 1.121." However, given the above referenced comments of Examiner regarding extensions of time, Applicant is unsure if Examiner intends to calculate a date for reply from the thirty-day due date of the 5/4/05 action. Therefore, in order to ensure acceptance of Applicant's amendment and remarks enclosed herewith, Applicant has included a Petition for Four-Month Extension of Time, along with a check for \$795.00 for appropriate small entity fees.

Applicant's previously filed response, dated February 2, 2005, elected Claims 1-17, with traverse. With respect to Examiner's request for election of "one species from each of the following species," wherein Examiner requested that Applicant "must include an identification of the species that is elected" and "a listing of all claims readable thereon," Applicant responded that there was "no means for grouping or selecting claims" for provisional election based upon the fact that Applicant understood Examiner to be seeking identification of one sub-species of A, one sub-species of B, and one sub-species of C, and then identify claims that read on each of those sub-species. As identified hereinbelow, that encompasses the elected Claim 1-17. Applicant's assertion that Claim 1 was generic was not intended to be non-responsive, but was intended to note a broad claim that read on any combination of the sub-species. Although Applicant has been unable to reach Examiner for clarification, Applicant now seeks to identify claims reading on each sub-species, separately.

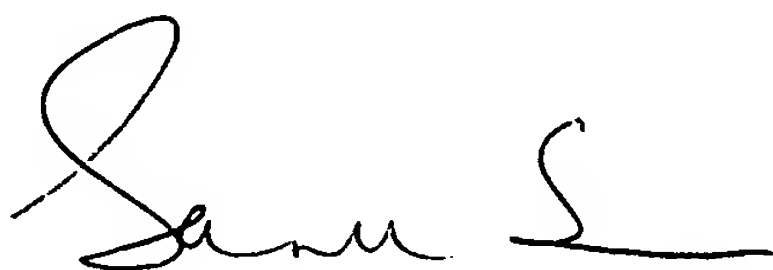
Although, as previously stated, Applicant believes that Claim 1 is generic, reading on all species noted by Examiner, and that no burden would be placed on Examiner by inclusion of same, especially given no noted separation of classifications, Applicant elects Sub-Species A.2, wherein first means of transmission is electronic file transmission, Applicant elects Sub-Species B.2, wherein second means of data transmission is global networking system transmissions with protocol, and Applicant elects Sub-Species C.1, wherein third means of data transmission is facsimile data transmission.

Applicant respectfully believes Claims 1-2 read upon elected Sub-Species A.2, B.2, and C.1; Claim 3 reads upon elected Sub-Species B.2 and C.1; Claims 4-6 read upon elected Sub-Species A.2, B.2 and C.1; Claims 7-14 read upon elected Sub-Species B.2 and C.1; Claim 15 reads upon elected Sub-Species B.2; and Claims 16-17 read upon elected Sub-Species A.2, B.2, and C.1.

CONCLUSION

The above is responsive to Examiner's 9/26/05 notification that Applicant's 2/2/05 response was non-compliant and non-responsive, wherein in light of the above election of sub-species A.2, B.2, and C.1, with an identification of claims reading thereon, Applicant believes he is now responsive and compliant. Further, in view of the present amendments and arguments, Applicant respectfully believes that Claims 1-17 are allowable. Should there be any questions or concerns, or if Examiner finds any irregularities whatsoever with the present filing, the Examiner is invited and requested to telephone Applicant's undersigned attorney.

Respectfully submitted, this 4th day of October, 2005.



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